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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,612	04/05/2001	Gordon A. Forsyth	8963.00	4042
26889	7590	06/27/2008		
MICHAEL CHAN NCR CORPORATION 1700 SOUTH PATTERSON BLVD DAYTON, OH 45479-0001			EXAMINER FELTEN, DANIEL S	
			ART UNIT	PAPER NUMBER
			3696	
			MAIL DATE	DELIVERY MODE
			06/27/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/826,612

**Applicant(s)**

FORSYTH, GORDON A.

**Examiner**

DANIEL S. FELTEN

**Art Unit**

3696

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 8 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 8, 21-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/88)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### DETAILED ACTION

1. The Request for Continued Examination (RCE) filed May 27, 2008 is acknowledged. Claims 1-2, 8, 21-25 are pending in the application and are presented to be examined upon their merits.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 8 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barcelou (US 6,945,457) in view of Flenley (US 6,282,618)

a self-service terminal for connection to a network (40), the terminal comprising:

--means for receiving payment from a user (52—cash acceptor) (see fig. 4, col. 4, lines 50-65), *as in claims 1*,

--an electronic payment mechanism for creating an electronic financial instrument for paying for an item purchased via the network, wherein the electronic financial instrument is independent of the payment from the user (see fig. 5, col. 4, lines 66 to col. 5, line 12), *as in claims 1*

--comprising means for recording each electronic financial instrument created and transmitting a copy to a database for reconciling with transactions processed at that terminal,(see col. 4, ll. 31-33), *as in claim 6, 16 and 17*

--comprising a printer for printing out a receipt to confirm that the electronic financial instrument has been created and sent, (see "printer" (57), col. 5, ll. 8-9), *as in claims 7 and 18,*

--receiving from a user an indication of an item for purchase using the terminal see fig. 5, col. 4, lines 66 to col. 5, line 12);

--receiving from the user a first form of payment for purchasing the item (see fig. 4, col. 4, lines 50-65); and

Barcelou discloses the use of the Internet and a touch screen which provides for a wide variety of goods and services to be viewed (see col. 4, lines 50+), but fails to disclose a browser for enabling a user to browse sites on the network to select an item for purchasing from a merchant, *As in claims 2, 8, 13 and 19.*

Flenley discloses an ATM (fig. 2) that uses a browser (80) (see col. 5, lines 23-28). It would have been obvious for one of ordinary skill in the art artisan at the time of the invention modify Barcelou with the Internet browser of Flenley because an artisan at the time of the invention would have sought to use the notoriously old and well known Internet browser as an alternative to Barcelou's touchscreen to provide viewing and selection of various goods and services.

A method of purchasing items using an Automated Teller Machine, ATM comprising:

- Providing a web browser to a user of the ATM for browsing web pages of merchants;
- receiving payment via a first credit card from the user for a purchase from a selected merchant; and
- using credit card account assigned to the ATM, transmitting payment to the selected merchant.
- using the account to make payment to the selected merchant
- without identifying the user to the merchant, and
- without disclosing an account number of the user to the merchant (see fig. 5, col. 4, lines 66 to col. 5, line 12)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL S. FELTEN whose telephone number is (571)272-6742. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel S Felten  
Primary Examiner  
Art Unit 3696

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